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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: D. CARRARA et al.

Confirmation No.: 5121

Application No.: 10/798,161

Group Art Unit: 1615

Filing Date: March 10, 2004

Examiner: K. M. George

For: FORMULATIONS FOR TRANSDERMAL OR
TRANSMUCOSAL APPLICATION

Attorney Docket No.: 88066-8099

TERMINAL DISCLAIMER

Commissioner For Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Petitioner, Allan A. Fanucci, represents that he is the attorney of record for the present application.

Petitioner states that he has reviewed the assignment document that was recorded for the present application on June 24, 2004 at Reel 015510 Frame 0045, and the assignment document that was recorded for application 10/798,111 on June 4, 2004 at Reel 015436 Frame 0299 and confirms that Antares Pharma IPL is the owner of both the above-identified application and US patent application 10/798,111.

Petitioner hereby disclaims the terminal part of any patent granted on the above-identified application that would extend beyond the term of any patent issuing from US patent application 10/798,111, and hereby agrees that any patent so granted on the above-identified application shall be enforceable only for and during such period that any patent granted on the present application and any patent that issues from US patent application 10/798,111 are commonly owned.

Petitioner further agrees that this agreement is to run with any patent granted on the above-identified application and is to be binding upon the grantees, their successors, and their assigns.

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Petitioner does not disclaim any terminal part of any patent that issues on the above-identified application prior to the expiration date of any patent issuing from US patent application 10/798,111 in the event that that any such patent is held unenforceable, is found invalid, is statutorily disclaimed in whole or in part or is terminally disclaimed under 37 C.F.R. § 1.321(a), has all claims canceled by a reexamination certificate, or is otherwise terminated prior to the expiration of its full 20 year statutory term, except for lack of common ownership as stated above.

Petitioner hereby declares that all statements made herein of his own knowledge and belief are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application and any patent issuing thereon.

Signed this 13 th day of February, 2006.



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